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| EXAMINER | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/807,804 | NISHIO ET AL. | |
| | Examiner | Art Unit | |
| | Farzana E. Hossain | 2623 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *22 October 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 September 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. This office action is in response to communications filed 10/22/2007. Claims 1, 10, 29 are amended. Claims 2-9 and 11-28 have been previously presented. Claims 30-33 are cancelled.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-3, 5, 10, 12, 14, 16-21, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski (US 6,201,538) in view of Lemmons et al (US

2003/0051243 and hereafter referred to as "Lemmons"), Pietraszak et al (US 6,990,677 and hereafter referred to as "Pietraszak") and Ellis et al (US 5,760,821 and hereafter referred to as "Ellis").

Regarding Claim 1, Wugofski discloses a method for transmitting data from a broadcasting station to a first audio/video receiver made by a first manufacturer (Column 2, lines 43-62, Column 8, lines 44-55) and a second audio/video receiver made by a second manufacturer which is different from the first manufacturer (Column 2, lines 43-62, Column 8, lines 44-55, Column 1, lines 51-55), the method comprising: generating program guide information (PG) representative of programs to be supplied to the receivers or data from the electronic program guide (EPG) database (Column 6, lies 13-42); generating a control signal (Figure 3C, Figures 7a-b, Column 7, lines 34-47, Column 8, lines 44-55); and transmitting the PG information to the first and the second receivers along with the control signal (Column 6, lines 1-64, Figures 7a, 7b), the control signal operable to control a screen layout on a display of both the first audio/video receiver and the second audio/video receiver the program guide information are displayed at the same relative location on the display of the both the first audio video receiver and the second audio/ video receiver (Column 2, lines 43-62, Column 6, lines 1-64, Figure 3C, Figures 7a-b, Column 7, lines 34-47, Column 8, lines 44-55). Wugofski is silent on obtaining advertisement (ad) information; and the ad information to the first and the second receivers along with the control signal, receiver such that the advertisement information and the program guide information are displayed at the same relative location on the display of the both the first audio video receiver and the second

audio/ video receiver and the program guide information being generated by comparing program guide information received from a broadcast source to program guide information received from a non broadcast source, program guide information including data for fixed time transmission and differential data for continuous transmission.

In analogous art, Lemmons discloses a method of transmitting data from a television distribution facility or headend to a first receiver and a second receiver (Figure 1, 22), the method comprising: obtaining advertisement information (Page 3, paragraph 0046), generating PG data representative of programs to be supplied to the receiver (Page 2, paragraph 0025, Figure 5), the PG data is transmitted with HTML information/markup language documents, which necessarily includes control signals, that generate display screens (Page 2, paragraphs 0025, 0026), transmitting the program guide information and ad information to the receiver with the HTML information/markup language documents are operable to control the screen layout on both receivers such that ad information and PG information are displayed in the same relate locations for both the receivers (Page 4, paragraphs 0045, 0046, Page 1, paragraph 0013). Lemmons discloses transmitting PG data on a fixed time or periodic basis (Page 2, paragraph 0028). In analogous art, Pietraszak discloses the PG information being generated (Figure 3, 41, 22) according to PG information received from multiple broadcast systems (Figure 3, 74, 76) and PG information received from a non-broadcast source (Figure 3, 75). In analogous art, Ellis discloses program guide information including data for fixed time transmission and differential data for continuous transmission (Column 3, lines 1-15).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Wugofski to obtain ad information (Page 4, paragraph 0046, Page 2, paragraph 0025); and transmitting the ad information to the first and the second receivers along with the control signal (Page 4, paragraphs 0045, 0046), such that the advertisement information and the program guide information are displayed at the same relative location on the display of the both the first audio video receiver and the second audio/ video receiver (Page 4, paragraphs 0045, 0046, Page 1, paragraph 0013) as taught by Lemmons in order to provide a viewer with a convenient way to change user screens (Page 1, paragraphs 0004) as disclosed by Lemmons and to allow a broadcaster to control the screen layout (Column 1, lines 56-60) as disclosed by Wugofski. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include the PG information being generated (Figure 3, 41, 22) according to PG information received from multiple broadcast systems (Figure 3, 74, 76) and PG information received from a non-broadcast source (Figure 3, 75) as taught by Pietraszak in order to provide program guide from multiple sources so that destination devices can receive information in multiple formats and data that can be tailored to a user's tastes (Column 1, lines 26-67, Column 2, lines 1-6) as disclosed by Pietraszak. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include including data for fixed time transmission and differential data for continuous transmission (Column 3, lines 1-15) as taught by Ellis in order to provide updates to the user so that the system does not have to wait for a completely new schedule to be

ready for the most up to date information (Column 3, lines 1-15, Column 2, lines 1-6) as disclosed by Ellis.

Regarding Claim 10, Wugofski discloses a first receiving device made by a first manufacturer and a second receiving device made by a second manufacturer or receiving devices made by different manufactures (Figure 1, Column 2, lines 43-62, Column 8, lines 44-55, Column 1, lines 51-55) for receiving a broadcast signal (column 4, lines 6-7) including video and audio signals (Figure 4A, Figure 5a, Column 2, lines 32-62, Column 4, lines 6-15, Column 8, lines 28-30, 34-40), PG information including a control signal operable to control a screen layout on a display device (Figure 3, Figures 7a, 7b), each of the receiving devices comprising: a receiving section for receiving the broadcast signal (Column 4, lines 6-15); and a display processing section or processor (Column 3, lines 60-61) as the processor will process information or carries out the display processing of a PG based on the screen layout indicated by the control signal included in the PG information such that the PG information is displayed at the same relative location on the display of both receiving devices (Column 2, lines 43-62, Column 6, lines 1-64, Figure 3C, Figures 7a-b, Column 7, lines 34-47, Column 8, lines 44-55). Wugofski is silent on the receiving devices receiving advertisement information; an extracting section for extracting the PG information from the broadcast and the control signal included in the PG information such that the ad information PG information is displayed at the same relative location on the display of both receiving devices and the PG information being generated by comparing the PG information received from a broadcast source to the PG information received from a non-broadcast

source, and including data for fixed time transmission and differential data for continuous transmission. Lemmons discloses a first receiver and a second receiver or receiving devices (Figure 1, 22) receiving advertisement information (Page 4, paragraph 0046, Page 2, paragraph 0025); an extracting section for extracting the PG information from the broadcast signal or control circuitry to extract the information as the equipment extracts data (Page 2, paragraph 0028, Page 3, paragraph 0036-0037) and the control signal included in the PG information such that the ad information PG information is displayed at the same relative location on the display of both receiving devices(Page 4, paragraphs 0045, 0046, Page 1, paragraph 0013). In analogous art, Pietraszak discloses the PG information being generated (Figure 3, 41, 22) according to PG information received from multiple broadcast systems (Figure 3, 74, 76) and PG information received from a non-broadcast source (Figure 3, 75). In analogous art, Ellis discloses program guide information including data for fixed time transmission and differential data for continuous transmission (Column 3, lines 1-15).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Wugofski to include receiving devices (Figure 1, 22) receiving advertisement information (Page 4, paragraph 0046, Page 2, paragraph 0025); an extracting section for extracting the PG information from the broadcast signal or control circuitry to extract the information as the equipment extracts data (Page 2, paragraph 0028, Page 3, paragraph 0036-37) and the control signal included in the PG information such that the ad information PG information is displayed at the same relative location on the display of both receiving devices(Page 4, paragraphs 0045,

0046, Page 1, paragraph 0013) as taught by Lemmons in order to provide a viewer with a convenient way to change user screens (Page 1, paragraphs 0004) as disclosed by Lemmons and to allow a broadcaster to control the screen layout (Column 1, lines 56-60) as disclosed by Wugofski. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include the PG information being generated (Figure 3, 41, 22) according to PG information received from multiple broadcast systems (Figure 3, 74, 76) and PG information received from a non-broadcast source (Figure 3, 75) as taught by Pietraszak in order to provide the program guide from multiple sources so that destination devices can receive information in multiple formats and data that can be tailored to a user's tastes (Column 1, lines 26-67, Column 2, lines 1-6) as disclosed by Pietraszak. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include including data for fixed time transmission and differential data for continuous transmission (Column 3, lines 1-15) as taught by Ellis in order to provide updates to the user so that the system does not have to wait for a completely new schedule to be ready for the most up to date information (Column 3, lines 1-15, Column 2, lines 1-6) as disclosed by Ellis.

Regarding Claim 2, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 1. Wugofski discloses that the control signal is described by HTML pseudo code or script (Column 4, lines 47-577-16, Columns 56-61, Column 6, lines 1-64). Lemmons discloses markup language documents (Page 4, paragraphs 0045,

0046). Script is well known in the art to be a type of computer code than can be directly executed by a program that understands the language in which the script is written.

Regarding Claim 3, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 1. Lemmons discloses that the PG data transmitted to interpret markup language including XML (Page 2, paragraphs 0025, 0026).

Regarding Claims 5 and 12, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claims 1 and 10. Lemmons discloses that the HTML information operable to control a screen layout (Page 4, paragraphs 0045, 0046) by identifying the advertisement elements or advertisement elements from the display element attributes to display together with the PG information (Page 4, paragraphs 0045, 0046) and the display processing section or control circuitry processes the control signal including HTML information or markup language documents to carry out processing (Page 3, paragraph 0037) to display the ad information together with the program guide information (Page 4, paragraph 0046).

Regarding Claim 14, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 10. Lemmons discloses that the PG information is transmitted a plurality of times a day such as once every hour (Page 2, paragraph 0028). Lemmons discloses that the receiving device has a storage section for receiving and storing the PG information when it is transmitted (Page 3, paragraph 0033, Figure 2, 31).

Regarding Claim 16, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 10. Lemmons discloses that the microprocessor and control circuitry that displays the programming information (Page 3, paragraph 0037) and that

the programming information is stored (Figure 2, 31, Page 3, paragraph 0033). It is necessarily included that the processor or control circuitry operates to access or retrieve the PG information as PG information is displayed which meets the limitation of a retrieval processing section.

Regarding Claim 17, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 10. Lemmons discloses storing program data in writeable optical storage device, a disk drive, or any other digital storage (Figure 2, 31, Page 3, paragraph 0033). Wugofski disclose ROM (Column 3, lines 63-65). The combination of Wugofski and Lemmons allows the program data to be stored in a storage device that will maintain storage without power.

Regarding Claims 18 and 23, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claims 1 and 10 respectively. Wugofski discloses the control signal or pseudo code is operable to control the screen layout by identifying the PG information to display (Figure 4a, Figure 7a). Lemmons discloses the control signal or markup language documents is operable to control the screen layout by identifying the PG information to display (Page 4, paragraphs 0045-0046).

Regarding Claims 19 and 24, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claims 1 and 10 respectively. Wugofski disclose the control signal is operable to control the screen layout by filtering content of PG information such as displaying only favorite channels such that display device only displays a portion of the PG information transmitted such as displaying only an overlay (Column 8, lines 43-55).

Regarding Claim 20, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 1. Lemmons discloses that markup language documents has information to select a condition information (Figure 6a, Figure 6b), which includes channels, programs, and advertisements or promotions (Figure 6a, Figure 6b).

Regarding Claim 21, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 1. Lemmons discloses that PG information transmitted includes channels, program descriptions, program category, and advertisements (Page 2, paragraph 0025, Page 4, paragraph 0046, Figure 5).

Regarding Claim 25, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 24. Wugofski discloses that the user selects the information to view on an EPG or the user of receiving device sets the condition information as there are favorites for channels (Column 8, lines 43-55) and by the broadcaster who decides what to be displayed (Column 2, lines 43-62). Lemmons discloses that the broadcaster decides the location of the PG information (Figure 7).

5. Claims 4, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Lemmons and Pietraszak as applied to claim 1 and 10above, and further in view of

Regarding Claims 4 and 11, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claims 1 and 10 respectively. Lemmons discloses extracting section for extracting the PG information from the broadcast signal or control circuitry to extract the information as the equipment extracts data (Page 2, paragraph 0028, Page 3,

paragraphs 0036-0037). Wugofski, Lemmons and Pietraszak are silent on a carousel system. Chaney discloses transmitting PG information in a carousel system or every 30 minutes and decoder or extracting section are operable to resolve a carousel structure of the carousel system (Column 5, lines 66-67, Column 6, lines 1-67, Column 8, lines 9-21). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include transmitting PG information in a carousel system or every 30 minutes and decoder or extracting section are operable to resolve a carousel structure of the carousel system (Column 5, lines 66-67, Column 6, lines 1-67, Column 8, lines 9-21) as taught by Chaney in order to provide the most up to date program guide if there are unexpected changes including cases of sporting events running overtime (Column 2, lines 9-37, Column 4, lines 3-8) as disclosed by Chaney.

Regarding Claim 8, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 1. Lemmons discloses that the program guide information is transmitted a plurality of times a day such once an hour (Page 2, paragraph 0028), the PG information including schedules of a plurality of programs (Page 2, paragraph 0025) includes the schedules of the program (Column 13, lines 55-62). Wugofski, Lemmons and Pietraszak are silent on the when there is a change in the schedule of at least one of the programs; the PG information of only at least one program is continuously transmitted. In analogous art, Chaney discloses that the PG information is transmitted a plurality of times a day, the PG information including schedules of a plurality of programs, if there is a change to the program guide information of any programs, the

changes will be transmitted (Column 3, lines 66-67, Column 4, lines 1-15). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include if there is a change to the program guide information of any programs, the changes will be transmitted (Column 3, lines 66-67, Column 4, lines 1-15) as taught by Chaney in order to provide the most up to date program guide if there are unexpected changes including cases of sporting events running overtime (Column 2, lines 9-37, Column 4, lines 3-8) as disclosed by Chaney.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Lemmons and Pietraszak as applied to claim 1 above, and further in view of Arai et al (US 2004/0221307 and hereafter referred to as "Arai").

Regarding Claim 6, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 1. Wugofski, Lemmons and Pietraszak are silent on the PG information is from a plurality of different broadcasting systems. Arai discloses that the PG information is from a plurality of broadcast service providers or systems (Page 2, paragraph 0019). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include program information from different broadcasting systems (Page 2, paragraph 0019) as taught by Arai in order to provide different features or services unlike existing electronic program guides (EPG) (Page 1, paragraph 0012) as disclosed by Arai.

7. Claims 7, 13, 22, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Lemmons and Pietraszak as applied to claim 1 above, and further in view of Hendricks et al (US 5,990,927 and hereafter referred to as "Hendricks").

Regarding Claims 7 and 13, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claims 1 and 10 respectively. Wugofski, Lemmons and Pietraszak are silent on the cable headend performing encryption. Hendricks discloses generating a program control information signal or a program control signal/STTCIS operable to control a display design or menu template including the data of the schedule and description of the programs or generating program guide (PG) information including a control signal (Column 6, lines 45-47, lines 59-67, Column 13, lines 42-55, lines 64-65) to display to the subscriber or viewer on a display device (Column 13, line 44-55, Figure 3, 222). Hendricks discloses that signals are transmitted and that video signals and program control signals (PG information) are received at the STT (Column 6, lines 41-48). Hendricks discloses that the cable headend's signal processor performs necessary encryption of signals in order to prepare the signals for a part of the PG information to be encrypted prior to transmission (Column 9, lines 7-9, 29-30). Hendricks also describes that STT has a decrypting section (Figure 4, 600) in order to decrypt any encrypted PG information. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include processor performs necessary encryption of signals in order to prepare the signals for a part of the PG information to be encrypted prior to transmission (Column 9, lines 7-9,

29-30) and STT has a decrypting section in order to decrypt any encrypted PG information (Figure 4, 600) as taught by Hendricks in order to provide programming information to only the authorized viewers.

Regarding Claim 22, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 5. Wugofski, Lemmons and Pietraszak are silent on advertisement information is associated with condition information operable to filter a portion of the advertisement information for displaying on the display device. Hendricks discloses that the advertisement information has information to select advertisements in order to display whether it is due to condition information for targeted advertisements for particular viewers (Column 34, lines 49-51) or a particular advertisement for a specific program (Column 13, lines 63-65, Column 14, lines 23-30). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include the advertisement information has information to select advertisements in order to display whether it is due to condition information for targeted advertisements for particular viewers (Column 34, lines 49-51) or a particular advertisement for a specific program (Column 13, lines 63-65, Column 14, lines 23-30) as taught by Hendricks in order to provide targeted advertisements to viewers (Column 34, lines 49-51) as disclosed by Hendricks which can gain more revenue for broadcasters as more advertisers will want to buy time to advertise to customers who are interested in their products.

Regarding Claim 26, Wugofski, Lemmons and Pietraszak disclose all the limitations of Claim 16. Wugofski, Lemmons and Pietraszak are silent on the user

profile. Hendricks discloses that the PG information that is displayed or retrieved is based on the user profile (Column 34, lines 26-33). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include PG information that is displayed or retrieved is based on the user profile (Column 34, lines 26-33) as taught by Hendricks in order to provide to the viewers programming information so that they can make their selection efficiently (Column 4, lines 1-12) as disclosed by Hendricks and providing them with EPG data.

Regarding Claim 27, Wugofski, Lemmons, Hendricks disclose all the limitations of Claim 26. Wugofski discloses favorite channels (Column 5, lines 49-51). Hendricks discloses that the personal profile of the user comprises a channel preference, a preference on the length of program, and a genre preference (Figure 16a, Column 34, lines 53 –67, Column 35, lines 1-10).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Lemmons, Pietraszak and Chaney as applied to claim 8 above, and further in view of Suzuki (US 5,790,170).

Regarding Claim 9, Wugofski, Lemmons, Pietraszak and Chaney disclose all the limitations of Claim 8. Wugofski, Lemmons and Pietraszak are silent on that a transmission schedule to transmit all the PG information is transmitted. Suzuki discloses that the distribution center or cable television station transmits the transmission schedule (Abstract). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include a

transmission schedule (Abstract) as taught by Suzuki in order to provide efficient use of the network (Column 3, lines 1-6) as disclosed by Suzuki.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Lemmons and Pietraszak as applied to claim 14 above, and further in view of Suzuki and Cuccia (US 6,337,719).

Regarding Claim 15, Wugofski, Lemmons, Pietraszak disclose all the limitations of Claim 14. Wugofski, Lemmons, and Pietraszak are silent on the transmission schedule is included in the broadcast signal or that the receiving device has a power control section for controlling the power source in accordance to the transmission schedule. Suzuki discloses that the distribution center or cable television station transmits the transmission schedule (Abstract). Suzuki does not teach about a power control section in the receiving device. Cuccia discloses that if the receiving apparatus (device) is in power off mode that the apparatus has controlling means or power control section to power the receiving apparatus so that EPG or PG information can be transmitted according to its schedule (Column 2, lines 21-27, 50-63 and Column 2, lines 40-55, 60-61). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include a transmission schedule (Abstract) as taught by Suzuki in order to provide efficient use of the network (Column 3, lines 1-6) as disclosed by Suzuki. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include a power control section to control the power source in accordance with the transmission

schedule (Column 2, lines 21-27, 50-63 and Column 2, lines 40-55, 60-61) as taught by Cuccia in order to have up to date information without having to transmit information in advance (Column 1, lines 57-62) as disclosed by Cuccia.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wugofski in view of Lemmons and Pietraszak as applied to claim 17 above, and further in view of Ellis (US 6,820;278).

Regarding Claim 28, Wugofski, Lemmons, Pietraszak disclose all the limitations of Claim 17. Wugofski, Lemmons, Pietraszak are silent that the initial set of program guide information is stored at a time of shipment from a factory. Ellis discloses that the set top box or terminal can be programmed at the time of manufacture at a warehouse prior to distribution to comprise of PG application (Column 2, lines 28-39, Column 5, lines 54-67, Column 6, lines 1-7). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include stored PG information at the time of shipment in a warehouse (Column 2, lines 28-39, Column 5, lines 54-67, Column 6, lines 1-7) as taught by Ellis in order to provide a cooperative environment for an interactive television system (Column 2, lines 1-4) as disclosed by Ellis.

11. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Arai in view of Wugofski, Lemmons, Pietraszak and Ellis.

Regarding Claim 29, Arai discloses an apparatus with a program table collection/storage or database to receive a plurality of program specific information (PSI) tables (Page 16, paragraphs 0239, 0245). Arai discloses that there is an input (Figure 9, 41) and that the apparatus comprises of service information (SI) tables (Pages 16-17, paragraphs 0238, 0245). Arai discloses that the apparatus also receives a plurality of PSI and SI tables so that there are different versions collected or an updated table can be identified from the collection of tables (a change processor to identify the changed information) (Pages 16-17, paragraph 0245). Arai discloses that there is a table generator or program guide (PG) information is generated from any changes in updated tables (Page 16, paragraphs 0245-0246). Arai is silent on the control signal to control a screen layout, and a transmitter operable to transmit PG information and the control signal to a first receiver made by a first manufacturer and a second receiver made by a second manufacturer, the control signal operable to control the display of the first receiver and the second racier such that the advertisement information and the PG information are displayed a the same relative locations on the display of both receivers and the PG information being generated by according to PG information received from multiple broadcast systems and PG information received from a non-broadcast source and including data for fixed time transmission and differential data for continuous transmission.

Wugofski discloses a broadcaster or transmitter transmitting data to a first audio/video receiver made by a first manufacturer (Column 2, lines 43-62, Column 8, lines 44-55) and a second audio/video receiver made by a second manufacturer which

is different from the first manufacturer (Column 2, lines 43-62, Column 8, lines 44-55, Column 1, lines 51-55), transmitting program guide information or data from the electronic program guide (EPG) database (Column 6, lies 13-42); generating a control signal which controls a screen layout on a display device (Figure 3C, Figures 7a-b, Column 7, lines 34-47, Column 8, lines 44-55); and transmitting the PG information to the first and the second receivers along with the control signal (Column 6, lines 1-64, Figures 7a, 7b), the control signal operable to control a screen layout on a display of both the first audio/video receiver and the second audio/video receiver the program guide information are displayed at the same relative location on the display of the both the first audio video receiver and the second audio/ video receiver (Column 2, lines 43-62, Column 6, lines 1-64, Figure 3C, Figures 7a-b, Column 7, lines 34-47, Column 8, lines 44-55). Lemmons discloses a television distribution facility or headend transmitting data to a first receiver and a second receiver (Figure 1, 22), transmitting PG data representative of programs to be supplied to the receiver (Page 2, paragraph 0025, Figure 5), the PG data is transmitted with HTML information/markup language documents, which necessarily includes control signals, that generate display screens (Page 2, paragraphs 0025, 0026), transmitting the program guide information and ad information to the receiver with the HTML information/markup language documents are operable to control the screen layout on both receivers such that ad information and PG information are displayed in the same relate locations for both the receivers (Page 4, paragraphs 0045, 0046, Page 1, paragraph 0013). In analogous art, Pietraszak discloses the PG information being generated (Figure 3, 41, 22) according to PG

information received from multiple broadcast systems (Figure 3, 74, 76) and PG information received from a non-broadcast source (Figure 3, 75). In analogous art, Ellis discloses program guide information including data for fixed time transmission and differential data for continuous transmission (Column 3, lines 1-15).

Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify Arai to include transmitter transmitting data to a first audio/video receiver made by a first manufacturer (Column 2, lines 43-62, Column 8, lines 44-55) and a second audio/video receiver made by a second manufacturer which is different from the first manufacturer (Column 2, lines 43-62, Column 8, lines 44-55, Column 1, lines 51-55), generating a control signal which controls a screen layout on a display device (Figure 3C, Figures 7a-b, Column 7, lines 34-47, Column 8, lines 44-55); and transmitting the PG information to the first and the second receivers along with the control signal (Column 6, lines 1-64, Figures 7a, 7b), the control signal operable to control a screen layout on a display of both the first audio/video receiver and the second audio/video receiver the program guide information are displayed at the same relative location on the display of the both the first audio video receiver and the second audio/ video receiver (Column 2, lines 43-62, Column 6, lines 1-64, Figure 3C, Figures 7a-b, Column 7, lines 34-47, Column 8, lines 44-55) as taught by Wugofski in order to allow a broadcaster to control the screen layout (Column 1, lines 56-60) as disclosed by Wugofski. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include transmitting the program guide information and ad information to the receiver with the HTML information/markup

language documents are operable to control the screen layout on both receivers such that ad information and PG information are displayed in the same relate locations for both the receivers (Page 4, paragraphs 0045, 0046, Page 1, paragraph 0013) as taught by Lemmons in order to provide a viewer with a convenient way to change user screens (Page 1, paragraphs 0004) as disclosed by Lemmons. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include the PG information being generated (Figure 3, 41, 22) according to PG information received from multiple broadcast systems (Figure 3, 74, 76) and PG information received from a non-broadcast source (Figure 3, 75) as taught by Pietraszak in order to provide program guide from multiple sources so that destination devices can receive information in multiple formats and data that can be tailored to a user's tastes (Column 1, lines 26-67, Column 2, lines 1-6) as disclosed by Pietraszak. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the combination to include including data for fixed time transmission and differential data for continuous transmission (Column 3, lines 1-15) as taught by Ellis in order to provide updates to the user so that the system does not have to wait for a completely new schedule to be ready for the most up to date information (Column 3, lines 1-15, Column 2, lines 1-6) as disclosed by Ellis.

***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FEH
December 18, 2007

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